

## **Board of County Commissioners Agenda Request**

Date of Meeting: December 13, 2005

Date Submitted: December 7, 2005

To: Honorable Chairman and Members of the Board

From: Parvez Alam, County Administrator  
Alan Rosenzweig, Director, Office of Management & Budget

Subject: Approval of a Budget Amendment Realigning \$750,000 of Supervisor of Elections' Capital Improvement Funds for Purchase of Voting Machinery and Equipment

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**Statement of Issue:**

This agenda item seeks Board approval of a budget amendment realigning \$750,000 of the Supervisor of Elections' Capital Improvement Funds for the purchase of Elections System and Software's optical scan voting system and Automark device (Attachment #1).

**Background:**

In a recent memo, the Supervisor of Elections requested that the Board address a realignment of the Supervisor's Capital Improvement (CIP) funds for the purchase of voting machinery and equipment, in order to remain compliant with the Help America Vote Act (HAVA) of 2002 and assure paper ballots are available for a complete recount of all votes cast (Attachment #2).

**Analysis:**

Since 1992, Leon County voters have voted in each election with the precinct optical scan technology. However, the optical scan technology provided by the current vendor would require Leon County to vote with a "blended system" of optical scans and touch screens, in order to be compliant with HAVA. The Supervisor of Elections indicated that the "blended system" would not provide 100% of vote verification due to the use of the Diebold touch screens which fail to provide paper ballots.

To ensure that the voters of Leon County continue to vote in the same manner to which they are accustomed, the Supervisor of Elections has recommended the purchase of Elections System and Software's (ES&S) optical scan voting system and the Automark device. The Automark device assists voters with disabilities while at the time providing a marked optical scan ballot that produces a paper trail and allows 100% vote verification. Unlike the touch screens, the ES&S voting technology provides a paper trail for all ballots cast.

To comply with the HAVA, the Supervisor of Elections is required to provide at least one device that will allow persons with disabilities to vote independently at polling site. The purchase of ES&S'

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Automark device, which is compliant with Americans with Disabilities Act, will fulfill this HAVA requirement.

The FY 05/06 CIP Budget for the Supervisor of Elections allocates \$750,000 for the purpose of Electronic Voter Identification (EVID) technology. If approved, the budget amendment will realign the funds from the EVID technology CIP towards the purchase of the ES&S system. The Supervisor of Elections considers the purchase of the ES&S voting machinery and equipment as critical and recommends this realignment of funds. The realignment of CIP funds will allow the Supervisor of Elections to purchase the ES&S optical scan voting system and Automark device.

**Options:**

1. Approve the budget amendment realigning \$750,000 of the Supervisor of Elections' Capital Improvement Funds for the purchase of Elections System and Software's optical scan voting system and Automark device.
2. Do not approve the budget amendment realigning \$750,000 of the Supervisor of Elections' Capital Improvement Funds for the purchase of Elections and System Software's optical scan voting system and Automark device.
3. Board direction.

**Recommendation:**

Option #1

**Attachments:**

1. Budget Amendment
2. Supervisor of Elections' Memo

PA/AR/cml

## FISCAL YEAR 2005/2006 BUDGET AMENDMENT REQUEST

No: B-022  
Date: 12/7/2005

Agenda Item No: \_\_\_\_\_  
Agenda Item Date: 12/13/2005

County Administrator

Office of Management & Budget Director

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Parwez Alam

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Alan Rosenzweig

### Request Detail:

#### Revenues

Fund	Org	Acct	Prog	Title	Current Budget	Change	Adjusted Budget
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Subtotal:

#### Expenditures

Fund	Org	Acct	Prog	Title	Current Budget	Change	Adjusted Budget
305	096014	56400	513	Electronic Poll Book	750,000	(750,000)	-
305	096015	56400	513	Optical Scan and Automark Equipment	96,000	750,000	846,000

Subtotal:

### Purpose of Request:

To realign the Supervisor of Elections' CIP Funds in order to cover the cost of purchasing new optical scan voting system and the Automark device to remain in compliance with Help America Vote Act of 2002, while allowing for paper verification of all votes cast in Leon County elections.

\_\_\_\_\_  
Program Director

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Group Director

Approved By: Resolution ☐ Motion ☒ Administrator ☐

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## Memorandum

**To:** Honorable Bill Proctor, Chair of the Leon County Commission  
**From:** Ion Sancho, Leon County Supervisor of Elections *JS*  
**RE:** Meeting HAVA Requirements Using Verifiable Voting Technology

The Help America Vote Act (HAVA) was passed by the United States Congress in October of 2002. It contained a provision, Section 301(a)(3), requiring jurisdictions provide, in each voting location, at least one device allowing persons with disabilities to vote independently in all federal elections after January 1, 2006.

Voters in our jurisdiction cast their ballots using precinct based optical scan voting technology. As recognized by the Leon County Board of County Commission in 1992, and again by the State of Florida in March of 2001, (Governors Select Task Force on Elections: Revitalizing Democracy in Florida) precinct based optical scan technology is the most accurate and voter friendly technology currently employed to count votes in the United States.

While the Leon County Elections Office has been nationally recognized for its excellent election process and procedures, our agency must enter into a purchase agreement for additional hardware to comply with the aforementioned HAVA requirements. Fortunately, federal funds for this purpose are also available to our office so additional dollars are not needed for this purchase.

Consistent with our desire to maintain high standards our Agency has identified the Automark as the only device which, when certified, allows the Leon County Supervisor of Elections Office to continue the kind of elections its citizens have come to expect. It is certainly the only device that will allow for a 100 percent verification of all our voters votes and a complete recount of every ballot cast in every Leon County election.

Our plans to acquire this device have been frustrated by our current vendor, Diebold Elections. They have adamantly refused to seek certification of the Automark with their Accuvote optical scan products (we use the Accuvote 2000) and have threatened any Diebold user with loss of product support if they proceed with the Automark technology. Additionally they have threatened legal action for "copyright and patent infringements" if jurisdictions try to use the Automark device with "their" equipment.

Diebold's corporate tactics also include purposefully breaching their contract with Leon County, by failing to provide new versions of their elections software as required, in an attempt to force us to use only their touchscreen voting machines (we get the new release if we use their touchscreens).

Leon County would then have a "blended System", meaning voters would be voting on paper ballots and on touchscreen machines *in the same precinct!* In our opinion this would be the worst of all options available.

After months of intensive consideration our Office recommends the Leon County Board of Commissioners authorize the Leon County Supervisor of Elections to contract with Elections System & Software for the purchase of their precinct based optical scan voting system and the Automark device, thus enabling Leon County voters to continue voting in the same manner (fill in the oval) and technology (precinct based optical scanning) as we have in the past 13 years, with the complete ability to recount every citizen's vote.

Fortunately, this option can be funded from the current budget by re-allocating the \$750,000 the Board allocated to our Office for EVID technology. Given the critical nature of this issue we conclude the EVID must be deferred so the Board does not have to appropriate additional budget dollars this year for the Leon County Supervisor of Elections Office. Only in this manner can we continue to provide completely verifiable elections to the citizens of Leon County and maintain the same level of accountability and trust in our elections process.